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Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 8 June 2007 from the Permanent Mission of Spain to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Spain to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to Security Council resolution 1737 (2006) and, pursuant to paragraph 8 of resolution 1747 (2007) of 24 March 2007, has the honour to transmit herewith the national report of Spain on implementation of the measures envisaged in paragraphs 2, 4, 5, 6 and 7 of that resolution (see annex).

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Annex to the note verbale dated 8 June 2007 from the Permanent Mission of Spain to the United Nations addressed to the Chairman of the Committee

National report of Spain on the implementation of Security Council resolution 1747 (2007)

Paragraph 8 of Security Council resolution 1747 (2007) adopted on 24 March 2007 calls upon all States Members to report to the Committee within 60 days on the steps they have taken with a view to implementing effectively paragraphs 2, 4, 5, 6 and 7 of the resolution.

This report describes the steps taken by Spain to comply with its obligations under the resolution, steps which also reflect Spain's commitment to the United Nations and to the multilateral non-proliferation regime. Spain considers that effective multilateralism, based on the political will of Governments aware of the risk of proliferation, is a vital tool for achieving international peace and security.

The following steps have been taken to implement the provisions of paragraphs 2, 4, 5, 6 and 7 of resolution 1747 (2007):

Paragraphs 2, 3 and 4

The National Police Force has sole responsibility for controlling the entry into and exit from the national territory of aliens (art. 12 (1) (b) of the Security Forces and Bodies Organization Act (Organization Act No. 2/86) of 13 March 1986). By extension, the security forces and bodies of the State (the police and the Civil Guard, in the exercise of their functions and in defence of the law and of public safety (art. 5 (4)) are mandated to protect the free exercise of rights and freedoms and to ensure compliance with laws and general provisions (art. 11 (1) (a)), including Security Council resolution 1747 (2007).

The Council of the European Union adopted, on 23 April 2007, Common Position 2007/246/CFSP, amending Common Position 2007/140/CFSP concerning restrictive measures against Iran. It updates the lists of persons and entities subject to travel restrictions pursuant to the provisions of Security Council resolutions 1737 (2006) and 1747 (2007).

Paragraphs 5 and 6

Royal Decree No. 1782/2004 of 30 July 2004, approving the regulations for the control of external trade in defence materials, other materials and dual-use items and technologies, makes export and brokering transactions conducted within its scope and the provision of technical assistance subject to control if they involve the items specified in paragraphs 5 and 6 of the resolution. This regulation is applicable in the national territory and requires authorization for the transactions indicated, including withdrawal from free-trade zones and deposits and linkage with the customs warehousing regime through comprehensive and targeted inspections.

Furthermore, pursuant to Security Council resolution 1747 (2007), the Department of Customs and Special Taxes has been instructed on the need to subject exports of such goods and technologies destined for Iran to red channel inspection.

The Council of the European Union has also adopted the above-mentioned Common Position 2007/246/CFSP, which imposes a comprehensive arms embargo covering both the import and export of arms and related materiel.

Paragraph 7

The adoption by the Council of the European Union of Common Position 2007/246/CFSP extended the freeze of all funds and economic resources of persons and entities listed by resolution 1737 to those designated by resolution 1747.

The Common Position also stipulates that European Union member States shall not enter into new commitments for grants, financial assistance and concessional loans to the Government of Iran, including through their participation in international financial institutions, except for humanitarian and development purposes. Commission Regulation 441/2007, which entered into force on 21 April, amended Council Regulation 423/2007, by including the names of the persons and entities whose assets are to be frozen according to Security Council resolution 1747 (2007).

In addition, the States members of the European Union are set to approve a new regulation on 5 June that would prohibit the provision of technical or financial assistance, financing or investment related to arms and related materiel.